

AMENDED IN ASSEMBLY APRIL 21, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1147

Introduced by Assembly Member Arambula

February 27, 2009

An act to add Section ~~117611~~ 118276 to the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1147, as amended, Arambula. Medical waste: treatment, containment, and storage.

Existing law establishes various programs for the prevention of disease and the promotion of health to be administered by the State Department of Public Health, including, but not limited to, administration of the Medical Waste Management Act relating to the regulation of medical waste, including, but not limited to, provisions related to the treatment, containment, and storage of medical waste. Violation of certain orders pursuant to these provisions is a crime.

This bill would authorize the department to ~~grant a treatment facility or large generator a variance to these waste management and treatment requirements~~ *approve the use of an alternative method of containerization or storage of medical waste, at the request of a treatment facility or large generator*; if the department determines that ~~the variance provides at least~~ *an alternative method will provide* the same level of public health protection as provided under those provisions *and would require that 30 days prior to final approval of an alternative method, the department post on the department's Internet Web site public notice of the pending approval, including a method for members of the public to comment on the proposed alternative method.* ~~By~~

~~changing the definition of an existing crime, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~no.

The people of the State of California do enact as follows:

1 SECTION. 1. ~~Section 118276 is added to the Health and Safety~~
2 ~~Code, to read:~~

3 ~~118276. At the request of a treatment facility or large~~
4 ~~generator, the department may approve the use of an alternative~~
5 ~~method of containerization or storage of medical waste, if the~~
6 ~~department determines that the alternative method will provide~~
7 ~~the same level of public health protection as existing medical waste~~
8 ~~containerization and storage requirements pursuant to this chapter.~~
9 ~~Thirty days prior to final approval of an alternative method, the~~
10 ~~department shall post on the department's Internet Web site public~~
11 ~~notice of the pending approval, including a method for members~~
12 ~~of the public to comment on the proposed alternative method.~~

13 SECTION 1. ~~Section 117611 is added to the Health and Safety~~
14 ~~Code, to read:~~

15 ~~117611. The department may grant a treatment facility or large~~
16 ~~generator a variance to the waste management treatment,~~
17 ~~containment, and storage requirements in Chapter 8 (commencing~~
18 ~~with Section 118215) and Chapter 9 (commencing with Section~~
19 ~~118275) if the department determines that the variance provides~~
20 ~~at least the same level of public health protection as provided under~~
21 ~~those statutory provisions.~~

22 SEC. 2. ~~No reimbursement is required by this act pursuant to~~
23 ~~Section 6 of Article XIII B of the California Constitution because~~
24 ~~the only costs that may be incurred by a local agency or school~~
25 ~~district will be incurred because this act creates a new crime or~~
26 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
27 ~~for a crime or infraction, within the meaning of Section 17556 of~~
28 ~~the Government Code, or changes the definition of a crime within~~

1 ~~the meaning of Section 6 of Article XIII B of the California~~
2 ~~Constitution.~~

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